



TCEQ REGULATORY GUIDANCE

Program Support and Environmental Assistance Division
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Who Regulates Petroleum Storage Tanks?

A guide for owners and operators of USTs

This document was developed to be used as a general guide to the agencies involved with regulating storage-tank systems, whether underground or aboveground. This guide is not necessarily comprehensive, and it is possible that your tanks may be regulated by authorities not listed below. It is the responsibility of the tank owner and operator to ensure compliance with the regulations of all interested governing bodies.

State Agencies Other than the TCEQ

While TCEQ regulations cover many of the requirements for petroleum storage tanks, there are other state agencies that also have regulatory requirements for PSTs.

Texas Department of Insurance (State Fire Marshal)

Source of information on rules and regulations affecting underground storage tanks (USTs) and aboveground storage tanks (ASTs) that could pose a threat to public safety due to fire or explosion hazard. Always contact the local fire marshal in any type of emergency involving a PST. The State Fire Marshal's Office can supply the name and number of a local fire marshal and answer questions that the local fire marshal cannot.

Phone: 512-305-7900

Toll-free: 800-578-4677

Web: <www.tdi.texas.gov>

Texas Department of Agriculture (Weights and Measures)

The Weights and Measures Program inspects fuel dispensers at service stations to ensure that they meet TDA standards. A TDA sticker should be displayed on all retail dispensers.

Phone: 512-463-7401

Toll-free: 800-835-5832

Web: <texasagriculture.gov/RegulatoryPrograms/WeightsandMeasures.aspx>

Texas Department of Public Safety (Commercial Vehicle Enforcement)

Source of information on the requirements pertaining to the transport of hazardous materials (including fuel or empty fuel tanks) on highways.

Phone: 512-424-2116

Web: <dps.texas.gov/DriverLicense/hme.htm>

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Texas General Land Office (Oil Spill Division)

The GLO has jurisdiction over any AST or UST that could cause spills that could reach coastal waters.

Toll-free: 800-998-4456

Web: <www.glo.texas.gov/coast/oil-spill/overview>

Texas Railroad Commission (Oil and Gas Division)

The Railroad Commission regulates tanks associated with the exploration, development, or production of oil, gas, or geothermal resources and exempt from regulation by the TCEQ.

Phone: 512-463-7288

Web: <www.rrc.state.tx.us/>

Texas State Comptroller of Public Accounts (Fiscal Management Division)

Source of information on the collection by bulk facility operators of the fuel surcharge destined for the Petroleum Storage Tank Remediation Fund.

Toll-free: 800-252-1383

Web: <<https://fm.cpa.state.tx.us/fm/>>

Other Regulators within the TCEQ

Edwards Aquifer Authority

Regulates USTs and ASTs that could pose a threat to the Edwards Aquifer.

Phone: 210-222-2204

Toll-free: 800-292-1047

Web: <www.edwardsaquifer.org>

You may be subject to additional TCEQ rules if your UST or AST system is located above or near the Edwards or the Trinity aquifer. Rules concerning the Edwards Aquifer can be found in Title 30, Texas Administrative Code, Chapter 213; the Trinity Aquifer, Chapter 214. Penalties may be enhanced for those not in compliance with those rules. For more information, contact the TCEQ Austin Region office at 512-239-2929 or the San Antonio Region office at 210-490-3096.

Tier II Chemical Reporting Program

Effective Sept. 1, 2015, the Tier II Chemical Reporting Program moved to the TCEQ from the Department of State Health Services. Any facility required under regulations of the Occupational Safety and Health Administration (OSHA) to maintain MSDSs or SDSs for hazardous chemicals stored or used in the work place with amounts that equal or exceed the following thresholds must report:

- Extremely hazardous substances (Title 40, Code of Federal Regulations, Part 335, Appendixes A and B), either 500 pounds or the threshold-planning quantity, whichever is lower.

- For gasoline at a retail gas station, 75,000 gallons
- For diesel fuel at a retail gas station, 100,000 gallons
- For all other hazardous chemicals, 10,000 pounds

Toll-free: 800-452-2791

Web: <www.tceq.texas.gov/permitting/tier2/>

Federal Government

U.S. Department of Labor (OSHA)

Health and safety requirements pertaining to USTs and ASTs.

Toll-free: 800-321-6742

Web: <www.osha.gov/>

U.S. Environmental Protection Agency

Information on the spill-prevention, control, and countermeasure (SPCC) rule appears in Title 40, Code of Federal Regulations, Part 112. It gives requirements for oil-spill prevention, preparedness, and response—specifically aimed at preventing discharges of oil into navigable waters and adjoining shorelines. The rule requires specific facilities to prepare, amend, and implement SPCC Plans.

Phone: 214-665-6444

Toll-free: 800-887-6063

Web: <www.epa.gov/oil-spills-prevention-and-preparedness-regulations/overview-spill-prevention-control-and>

Local Government

With regard to any UST or AST system, local government officials representing any relevant cities, counties, river authorities, and special districts (such as underground water districts or water control and improvement districts) should always be contacted to determine whether local regulations might be stricter than the state or federal regulations. For example, some cities have more stringent secondary containment requirements, and others will not allow a tank to be abandoned in place. Additionally, requirements about placement, design, and placarding and certain restrictions relating to fire and explosion hazards apply to ASTs, and are usually controlled by the local fire authority. Contact the local fire authority before the installation of any AST to ensure that their design and placement meet local fire codes.